

LAHIVE
&
COCKFIELD
LLP

COUNSELLORS AT LAW
28 STATE STREET
BOSTON, MASSACHUSETTS 02109-1784
TELEPHONE (617) 227-7400
FAX (617) 742-4214
lc@lahive.com

JOHN A. LAHIVE, JR. (1928-1997)
THOMAS V. SMURZYNSKI
RALPH A. LOREN
GIULIO A. DeCONTI, JR.
ANN LAMPORT HAMMITTE
ELIZABETH A. HANLEY
AMY BAKER MANDRAGOURAS
ANTHONY A. LAURENTANO
KEVIN J. CANNING
JANE E. REMILLARD
DeANN FORAN SMITH
PETER C. LAURO
JEANNE M. DiGIORGIO
DEBRA J. MILASINCIC, Ph.D.
DAVID J. RIKKERS
DAVID R. BURNS
JOHN S. CURRAN
SEAN D. DETWEILER

CYNTHIA L. [REDACTED] Ph.D.
MEGAN E. WILSON, Ph.D.
RICHARD [REDACTED]
MICHAEL PHILLIPPS
LISA M. DiROCCO
HATHAWAY P. RUSSELL ***

SENIOR COUNSEL
JAMES E. COCKFIELD

OF COUNSEL
JEREMIAH LYNCH
WILLIAM A. SCOFIELD, JR.

PATENT AGENTS
THEODORE R. WEST
SHAYNE Y. HUFF, Ph.D.
DANIEL B. KO

TECHNICAL SPECIALISTS
MARIA LACCOTRIPE ZACHARAKS, Ph.D.
CYNTHIA M. SOROOS
PETER W. DINI, Ph.D.
EUIHOON LEE
JENNIFER K. ROSENFELD
ALLAN TAMESHTIT, Ph.D.
CATHERINE E. McPHERSON
ERIC F. WAGNER, Ph.D.
SHAHID HASAN, Ph.D.
JACOB G. WEINTRAUB
PETER A. DiMATTIA
JONATHAN M. SPARKS, Ph.D.
CRISTIN E. HOWLEY, Ph.D.
VINCENT P. LOCCISANO
MERIDETH C. ARNOLD

* Admitted in NY only
** Passed the Patent Bar Examination
*** Admitted in TX only

Sector #17

October 23, 2001

Box Missing Parts
Commissioner for Patents
Washington, D.C. 20231

Re: U.S. Patent Application Serial No. 09/813,453
Applicants: R. Rogers Yocum et al.
Filed: March 20, 2001
Title: *MICROORGANISMS AND ASSAYS FOR THE IDENTIFICATION
OF ANTIBIOTICS*
Attorney Docket No.: OGZ-001

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

1. Response to Notice To File Missing Parts of Non-Provisional Application;
2. An Executed Declaration, Petition and Power of Attorney;
3. Copy of Formalities Letter;
4. Transmittal Letter for Diskette Containing Sequence Listing;
5. Diskette containing computer readable form of the Sequence Listing;
6. 13 Sheets of Substitute Drawings;
7. Request for Three-Month Extension of Time;
8. A check in the amount of \$884.00 (missing parts);
9. A check in the amount of \$460.00 (extension fee).

Please charge any necessary fees to our Deposit Account No. 12-0080. The undersigned requests any extensions of time necessary to respond. A duplicate of this sheet is enclosed.

I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Box Missing Parts, Washington, DC 20231 on:

October 23, 2001

Date

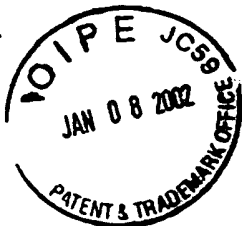
Elizabeth A. Hanley, Reg. No. 33,505

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

Elizabeth A. Hanley, Esq.
Reg. No. 33,505

09813453-010802



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: R. Rogers Yocum *et al.*

Serial No.: 09/813,453

Filed: March 20, 2001

For: MICROORGANISMS AND ASSAYS FOR
THE IDENTIFICATION OF ANTIBIOTICS

Attorney Docket No.: OGZ-001

BOX MISSING PARTS
Commissioner for Patents
Washington, D.C. 20231

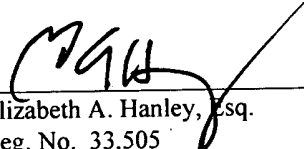
Certificate of First Class Mailing (37 CFR 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: BOX MISSING PARTS, Commissioner for Patents, Washington, D.C. 20231 on the date set forth below.

October 23, 2001

Date of Signature and of Mail Deposit

By:


Elizabeth A. Hanley, Esq.
Reg. No. 33,505
Agent for Applicants

**RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NON-PROVISIONAL APPLICATION**

Dear Sir:

Responsive to the Notice to File Missing Parts of Non-Provisional Application dated May 23, 2001, Applicants' agent submits herewith the executed Declaration, Petition and Power of Attorney for the above-identified patent application. A check in the amount of **\$884.00** is enclosed to cover the total amount owed by Applicant including \$65.00 surcharge, \$355.00 basic filing fee, \$464.00 additional claim fee. A Request for a Three-Month Extension of Time in

09/813453-010802

which to respond, together with the appropriate extension fee, is being filed concurrently herewith. A copy of the Formalities Letter is also enclosed.

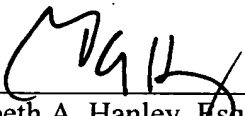
Also enclosed for filing in the above-referenced patent application are 13 sheets of substitute drawings (Figs. 1-10) in compliance with 37 C.F.R. § 1.84.

Further enclosed is a Transmittal Letter For Diskette Containing Sequence Listing and a diskette which contains a computer readable form of the Sequence Listing for the above-identified application. The Sequence Listing complies with the requirements of 37 C.F.R. § 1.821.

The Commissioner is hereby authorized to charge payment of any fees under 37 C.F.R. 1.16 and 1.17 during the pendency of this application or credit any overpayment to Deposit Account No. 12-0080.

Please charge any underpayments or credit any overpayments associated with this communication to our Deposit Account No. 12-0080. A duplicate of this letter is enclosed.

Respectfully submitted,



Elizabeth A. Hanley, Esq.
Registration No. 33,505
Agent for Applicants

LAHIVE & COCKFIELD, LLP
28 State Street
Boston, MA 02109
Tel. (617) 227-7400

Dated: October 23, 2001

20813453-010802



UNITED STATES PATENT AND TRADEMARK OFFICE

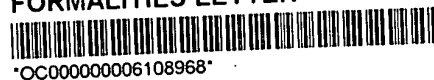
COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/813,453	03/20/2001	R. Rogers Yocum	OGZ-001

000959
LAHIVE & COCKFIELD
28 STATE STREET
BOSTON, MA 02109

CONFIRMATION NO. 3274

FORMALITIES LETTER



OC000000006108968

Date Mailed: 05/23/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

01/14/2002 AGOITOM 00000067 120080 09813453

FILED UNDER 37 CFR 1.53(b)

02 FC:255 65.00 OP
03 FC:253 144.00 OP
04 FC:252 336.00 OP
05 FC:201 31.00 CH 339.00 OP

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$464.
 - \$144 for 16 total claims over 20.
 - \$320 for 8 independent claims over 3.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 884.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - Drawings must be reasonably free from erasures and must be free from alterations, overwritings, interlineations, folds, and copy marks.
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821

(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

A copy of this notice MUST be returned with the reply.

HS

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

09813453 010802